

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ryota SUGIMOTO

Art Unit: 3764

Application No.: **09/870,672**

Examiner: Mathew, Fenn C.

Filing Date: June 1, 2001

Attorney Ref. No.: MA3005-0031

For: IMPLANTABLE TUBULAR DEVICE

Confirmation No.: 8651

Commissioner for Patents
MAIL STOP ISSUE FEE
Alexandria, Virginia 22313

Sir:

**COMMENTS ON EXAMINER'S STATEMENT
OF REASONS FOR ALLOWANCE**

Applicant gratefully acknowledges the Notices of Allowance and Allowability dated January 12, 2010 for the above-captioned patent application. An Examiner's Statement of Reasons for Allowance was appended to the Notice of Allowability. Applicant has the following comments.

While the claimed combinations are patentable over the art for at least some of the reasons presented therein, including those described in the BPAI decision, the claimed combinations are patentable for many different and/or additional reasons. More specifically, the patentability of the claimed combinations is not limited to (nor necessarily relies on) the particular subset of features identified in the Statement, but rather it is the entire combination of elements and/or processes in the claims, each taken as a whole, that are patentable over the art, both taken alone and in hypothetical combination.

PATENT

Attorney Docket No. MA3005-0031

Application No. 09/870,672

If additional fees are necessary to prevent abandonment of this application, then the Commissioner is authorized to charge Applicant's representative's Deposit Account.

Respectfully submitted,
Cermak Kenealy Vaidya & Nakajima LLP

By: /Ajit J. Vaidya/
Ajit J. Vaidya
Reg. No. 43,214

Dated: March 4, 2010

CUSTOMER NO. 39083
Cermak Kenealy Vaidya & Nakajima LLP
515 East Braddock Rd.
Alexandria, Virginia, 22314
Tel.: (703) 778-6610
Fax: (703) 652-5101